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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,032	12/04/2001	Rintaro Nakatani	S004-4477	9496

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EXAMINER

RICHER, AARON M

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/005,032	Applicant(s) NAKATANI, RINTARO	
	Examiner Aaron M Richer	Art Unit 2676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5 and 7-20 is/are rejected.
- 7) ☒ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10</u> . | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
6) <input type="checkbox"/> Other: _____. |
|--|--|

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed May 24, 2004 have been fully considered but they are not persuasive. Applicant's arguments with respect to claims 1 and 5 have been considered but are moot in view of the new ground(s) of rejection.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on December 26, 2000. It is noted, however, that applicant has not filed a certified copy of the 2000-395257 application as required by 35 U.S.C. 119(b).

3. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on February 2, 2001. It is noted, however, that applicant has not filed a certified copy of the 2001-026370 application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 14-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. The term "close proximity" in claim 14 is a relative term which renders the claim indefinite. The term "close proximity" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree,

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and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 1, 5, 8, 11-14, 16, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber (U.S. Patent 5,579,462) in view of Alexander (U.S. Patent 6,262,728).

9. As to claim 5, representative of claim 1, Barber discloses a derived data display adjustment system for a sample analyzer having a computer, comprising:

a display screen connected to the computer for displaying a plurality of sample characteristic curves based on sample analysis performed by the sample analyzer and for displaying derived numerical data values based on the sample characteristic curves (fig. 18; col. 12, lines 25-33);

means for permitting user selection of one or more of the sample characteristic curves to be subjected to a derived numerical data calculation process (fig. 15; col. 12, lines 54-67); and

means for displaying a derived numerical data user interface on the display screen in response to user selection of one or more of the displayed sample characteristic curves to enable user selection of a derived numerical data calculation process (fig. 2; col. 12, lines 54-67; "peak mode" enables calculation of characteristics related to a peak).

Barber does not disclose means for displaying a derived numerical data adjustment user interface on the display screen to enable a user to select a convenient display location for display of the derived numerical data values so that the derived numerical data values can be displayed on the display screen without interfering with the displayed sample characteristic curves. Alexander, however, discloses a system to display annotations and move them if the location is inconvenient (col. 16, lines 48-65). The motivation for this is to make the display more readable and easier to manipulate (col. 16, lines 48-65). It would have been obvious to one skilled in the art to modify Barber to move data values interfering with other display objects in order to make the display more readable and easier to manipulate.

10. As to claim 8, representative of claim 16, Barber discloses a system wherein the derived numerical data user interface comprises one or more user-selectable derived numerical data calculation processes (col. 12, lines 59-67; upon selecting a point, the user selects the "peak" calculations).

11. As to claim 11, Barber discloses a system wherein the means for permitting user selection, and the means for displaying a derived data user interface, comprise processes performed by a computer (col. 1, lines 60-67). Alexander discloses the means for displaying a derived numerical data adjustment user interface as a process performed by a computer (col. 1, lines 15-17). The motivation for combining these processes can be found in the rejection to claim 5.

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12. As to claim 12, representative of claim 19, Barber discloses a system wherein the derived data display adjustment interface comprises a cursor displayed on the display screen when one of the characteristic curves is selected (col. 12, lines 59-67; a "cursor" is not specifically disclosed but a display character indicating mouse position is inherent if a mouse is used to select a position).

13. As to claim 13, representative of claim 20, Alexander discloses a system wherein the derived numerical data adjustment interface comprises a user-movable display region displayed on the display screen when one of the derived numerical data values is selected (col. 16, lines 62-67; col. 17, lines 1-2).

14. As to claim 14, as best understood, Barber discloses a derived data display adjustment method for a sample analyzer, comprising the steps of:

displaying a plurality of individually-selectable sample characteristic curves on a display (fig. 18; col. 12, lines 25-33);

displaying a derived numerical data calculation user interface on the display in response to user selection of a respective sample characteristic curve (fig. 2; col. 12, lines 54-67; "peak mode" enables calculation of characteristics related to a peak);

selecting a derived numerical data calculation process for calculating a derived numerical data value from the selected characteristic curve (fig. 2; col. 12, lines 54-67); and

displaying the calculated derived numerical data value on the display in close proximity to the selected characteristic curve (fig. 17 and fig. 18).

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Barber does not disclose displaying a derived numerical data adjustment user interface on the display in response to selection of a derived numerical data value to enable adjustment of a display position of the derived numerical data value. Alexander, however, discloses a system to display annotations and move them if the location is inconvenient (col. 16, lines 48-65). The motivation for this is to make the display more readable and easier to manipulate (col. 16, lines 48-65). It would have been obvious to one skilled in the art to modify Barber to move data values interfering with other display objects in order to make the display more readable and easier to manipulate.

15. Claims 7, 9-10, 15, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber in view of Alexander and further in view of Fawcett (U.S. Patent 4,821,303).

16. As to claim 7, representative of claim 15, neither Barber nor Alexander discloses a system in which sample characteristic curves are Differential Scanning Calorimeter (DSC) curves. Fawcett, however, discloses that "The recorders 106 and 114 (FIG. 9) may be connected together at a terminal and plotted at 115 (FIG. 11) to produce a chart in which the variations in differential power are shown as a function of temperature. Such a DSC curve (as in FIG. 12a) constitutes the ultimate data output of the calorimeter portion of the instrument of the invention... Detailed insight into both structural and thermodynamic properties of the sample is thus possible " (col. 8, lines 36-47). It would have been obvious to modify Barber in view of Alexander, and in further

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view of Fawcett, to display DSC curves in order to get detailed insight into structural and thermodynamic properties of a sample as taught by Fawcett.

17. As to claim 9, representative of claim 17, neither Barber nor Tittle teaches interpolated melting start temperature as a user-selectable data calculation process. Fawcett, however, discloses that "In a single experiment, thermally induced structural changes, molecular orientation, crystallinity, stress, and strain as a function of temperature can all be studied (col. 11, lines 50-68). Melting start temperature is a function of temperature associated with structural change, and therefore can be studied by Fawcett's method and apparatus. The motivation for combining Fawcett's teachings with Barber's and Alexander's can be found in the rejection to claim 7.

18. As to claim 10, representative of claim 18, neither Barber nor Alexander teaches interpolated melting start temperature, interpolated crystallization start temperature, melting peak temperature, liquid crystal temperature, or glass transfer temperature as a user-selectable data calculation process. Fawcett, however, discloses that "In a single experiment, thermally induced structural changes, molecular orientation, crystallinity, stress, and strain as a function of temperature can all be studied (col. 11, lines 50-68). Melting start temperature, crystallization start temperature, melting peak temperature, liquid crystal temperature, and glass transfer temperature are all functions of temperature associated with structural change, and therefore can be studied by Fawcett's method and apparatus. The motivation for combining Fawcett's teachings with Barber's and Alexander's can be found in the rejection to claim 7.

Conclusion

19. Claim 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

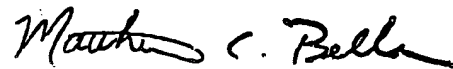
21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Richer whose telephone number is (703) 305-5825. The examiner can normally be reached on weekdays from 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (703) 308-6829. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AMR
7/29/04



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